



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 6, 2010

Rob Dubuc
Western Resource Advocates
150 South 600 East, Suite 2AB
Salt Lake City, Utah 84102

Subject: GRAMA Request for Information Concerning Amendment/Revision Policy

Dear Mr. Dubuc:

I received a copy of your request dated April 2, 2010 under the Government Records Access and Management Act (GRAMA) for information concerning policies of the Division of Oil, Gas and Mining regarding what constitutes an amendment for the purposes of applying rule R647-1-119. I assume you are referring to rule R647-4-119 since there is no rule R647-1-119.

The only records I have been able to find that address this policy are the attached 2002 policy signed by then-director Lowell Braxton and a superseded policy from 1991. Neither minerals staff members nor I recall referring to this policy in memoranda, electronic mail messages, letters, or any other written form.

Please note the following statement in the policy disclaimer:

It neither confers rights nor imposes obligations on the Division or any other party. In the case where a conflict is perceived to exist between this directive and the Utah Minerals Program Rules, the rules will prevail.

The Division is not assessing a copy fee since only two pages are attached. Please feel free to call me at 801-538-5261 if you have any questions concerning this letter.

Sincerely,

Paul B. Baker
Minerals Program Manager

PBB:vs
Attachments
cc: Vicky Dyson, Public Information Center
O:\miscellaneous\GRAMA-WRA-04062010.doc



May 24, 2002

*Pls. copy all Mineral
Staff +
Assoc. Di*

This policy supercedes the May 21, 1991 policy.
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DIVISION of OIL, GAS and MINING

Policy for

Defining Amendments and Revisions

Minerals Program

DISCLAIMER

"This informal and non-biding directive is intended for internal direction for the Minerals Regulatory Program to clarify the implementation of the Minerals Rules, but does not expand the scope of existing regulations. It neither confers rights nor imposes obligations on the Division or any other party. In the case where a conflict is perceived to exist between this directive and the Utah Minerals Program Rules, the rules will prevail."

The following policy provides clarification in determining whether a proposed change to a plan should be considered an amendment or a revision under rules R647-4-118 and 119. A *revision* is considered a significant change to the approval Notice of Intention or MRP and would require public notice. An *amendment* is considered to be a less significant change to the Notice of Intention. If the proposed change to the Mining and Reclamation Plan qualifies for three of the four categories discussed below then the change will be considered a *revision* and addressed under rule R647-4-118 Revisions. If the proposed change does not fall within three of the categories below, it will be considered an *amendment* and addressed under rule R647-4-119 Amendments. The determination will be based on the following categories:

1. The acreage will increase or decrease by 50% of the existing acreage or 50 acres, whichever is smaller. For example, if a 10 acre site increases or decreases by 5 acres, it would then fall within this category.
2. The surety will increase or decrease by 25% of the existing surety or \$50,000, whichever is smaller.
3. The overall additional environmental impacts are considered significant, when compared with impacts already affecting the site. The degree of change would not be negligible such that a finding for a variance from the rules must be made under R647-4-112.Variance. This determination is made after evaluating the impacts to soils, vegetation, hydrology (ground and surface), wildlife, or other environmental resources.
4. The impacts proposed in the same permit change are significant enough to warrant the need for an opportunity for public comment.

5/24/02
Effective Date of Policy

Laurel P. Bryant
Director's Signature

May 21, 1991

DIVISION of OIL, GAS and MINING

Policy for

Defining Amendments and Revisions

Minerals Program

The following policy provides clarification in determining whether a proposed change to a plan should be considered an amendment or a revision under rules R613-004-118 and R613-004-119. A revision is considered a significant change to the approved Notice of Intention or MRP and would require public notice. An amendment is considered to be a less significant change to the Notice of Intention. If the proposed change to the Mining and Reclamation Plan qualifies for three of the four categories discussed below, then the change will be considered a revision and addressed under rule R613-004-119. If the proposed change does not fall within three of the categories below, it will be considered an amendment and addressed under rule R613-004-118. The determination will be based on the following categories:

1. The acreage will increase by 50% of the existing acreage or 50 acres, whichever is smaller. For example, if a 10 acre site increases by 5 acres, it would then fall within this category.
2. The surety will increase by 25% of the existing surety or \$50,000, whichever is smaller.
3. The overall additional environmental impacts are considered significant, when compared with impacts already affecting the site. The degree of change would not be negligible. This determination is made after evaluating the impacts to soils, vegetation, hydrology (ground and surface), wildlife, air, or other media.
4. The impacts proposed in the amendment are significant enough to warrant the need for an opportunity for public comment.

May 22, 1991
Effective Date of Policy

Devin R. Nelson
Director's Signature